

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON04-00023 TO ALLOW FOR A PARKING REDUCTION FOR THE PROPERTY DESCRIBED AS LOTS 7 - 10, BLOCK 266, CAMPBELL ADDITION, EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.64.175 OF THE EL PASO MUNICIPAL CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

WHEREAS, Pauline Shaheen has applied for a Special Permit under Section 20.64.175 of the El Paso Municipal Code to allow for a parking reduction for a proposed nightclub;

WHEREAS, the submission and processing requirements of Section 20.64.175 have been satisfied; and

WHEREAS, a report was made by the City Plan Commission and a public hearing was held regarding such application;

WHEREAS, the City Plan Commission has recommended denial of the subject Special Permit; and

WHEREAS, the subject Special Permit has been appealed to the City Council of the City of El Paso for review and approval;

WHEREAS, the City Council of the City of El Paso finds that, except to the extent waived by City Council, the application conforms to all requirements of Sections 20.04.320.D and 20.64.175.B.4 of the El Paso Municipal Code;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the property described as follows is located in a C-4 (Commercial) District, which requires one hundred ten (110) off-street parking spaces to serve a proposed nightclub under Section 20.64.170 of the El Paso Municipal Code,

Lots 7 - 10, Block 266, Campbell Addition, El Paso, El Paso County, Texas;

2. That the City Council hereby grants a Special Permit under Section 20.64.175 of the El Paso Municipal Code so that the parking requirements described in Paragraph 1 of this Ordinance may be satisfied with a parking reduction as described in Paragraph 3 of this Ordinance;

3. That the City Council hereby grants a Special Permit under Section 20.64.175 for a fifty-nine percent (59%) parking reduction from the required one hundred ten (110) off-street parking spaces to forty-five (45) off-street parking spaces;

4. That this Special Permit is issued subject to the development standards in the C-4 (Commercial) District regulations and is subject to the approved Detailed Site Development Plan signed by the Applicant, the Mayor and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "A" and is incorporated herein by reference for all purposes;

5. That if at any time the off-street parking space described herein are not available to fulfill the parking requirements described herein, or if the Applicant fails to comply with any of the requirements of this Ordinance, **Special Permit No. ZON04-00023**, shall be subject to automatic termination; construction or occupancy shall be discontinued; and the Applicant shall be subject to the penalty provisions of Chapter 20.68 and any other legal or equitable remedy; and

6. That the Applicant shall sign an Agreement incorporating the requirements of this Ordinance. Such Agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary to the City Plan Commission before building permits are issued.

PASSED AND APPROVED this 15th day of **June**, 2004.

THE CITY OF EL PASO

Joe Wardy
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:



Fred Lopez, Zoning Coordinator
Planning, Research & Development



Rodolfo Valdez, Chief Urban Planner
Planning, Research & Development

AGREEMENT

Pauline Shaheen, the Applicant referred to in the above Ordinance, hereby agrees to develop the above-described property in accordance with the approved Detailed Site Development Plan and in accordance with the standards identified in the C-4 (Commercial) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this _____ day of _____, 2004.

Name: _____

Title: _____

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

 This instrument is acknowledged before me on this _____ day of _____, 2004, by **Pauline Shaheen**, as Applicant.

My Commission Expires:

Notary Public, State of Texas
Notary's Printed or Typed Name:

Exhibit "A"

PROPERTY DESCRIPTIONS FOR THE PROPOSED CLUB HELIOS AND PARKING LOTS

PARCEL 1 (PROPOSED CLUB HELIOS):

Lots 7 - 10, Block 266, Campbell Addition, City of El Paso, El Paso County, Texas

PARCEL 2 (OFF-STREET PARKING):

Lots 11 and 12, Block 266, Campbell Addition, City of El Paso, El Paso County, Texas

PARCEL 3 (OFF-STREET PARKING):

The West 60' of Lots 20 and 19, and a portion of Lot 18 beginning at the Southwest corner of Lot 18, thence East 60' to a point, thence North 15' to a point, thence West 20' to a point thence North 7' to a point, thence West 40', to a point thence South 22' to the point of beginning in Block 266, Campbell Addition, City of El Paso, El Paso County, Texas.

PARCEL 4 (OFF-STREET PARKING):

The East 40' of Lot 1 and the South 15.5 feet of the East 40' of Lot 2, Block 266, Campbell Addition, City of El Paso, El Paso County, Texas.

PARCEL 5 (OFF-STREET PARKING):

All of Lot 16 and the South 13' of Lot 15, Block 266, Campbell Addition, City of El Paso, El Paso County, Texas.